

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON FISH, WILDLIFE AND PARKS**

**Call to Order:** Chairman Kendall Van Dyk, on March 26, 2009 at  
2:00 P.M., in Room 152 Capitol

#### **ROLL CALL**

**Members Present:**

Rep. Kendall Van Dyk, Chairman (D)  
Rep. Gordon R. Hendrick, Vice Chairman (R)  
Rep. Dave McAlpin, Vice Chairman (D)  
Rep. Dick Barrett (D)  
Rep. Paul Beck (D)  
Rep. Carlie Boland (D)  
Rep. Joel Boniek (R)  
Rep. Frosty Boss Ribs (D)  
Rep. Jill Cohenour (D)  
Rep. Jesse O'Hara (R)  
Rep. Ken Peterson (R)  
Rep. Mike Phillips (D)  
Rep. JP Pomnichowski (D)  
Rep. Scott Sales (R)  
Rep. Cary Smith (R)  
Rep. Ted Washburn (R)

**Members Excused:** None

**Members Absent:** Rep. Mike Miller (R)  
Rep. Jeffery Welborn (R)

**Staff Present:** Bryce Bennett, Committee Secretary  
Doug Sternberg, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 164; SB 228; SB 436; SB 470

Executive Action: SJ 19; SB 31; SB 164; SB 213  
SB 228; SB 436; SB 437; SB 470

**EXECUTIVE ACTION ON SJ 19**

00:02:12 **Motion:** Rep. Hendrick moved that **SJ 19 BE CONCURRED IN.**

00:02:25 Rep. Welborn arrived.

**Discussion:**

00:02:31 Rep. Peterson

00:03:13 **Vote:** Motion tied 9-9 with Rep. Boniek, Rep. Hendrick, Rep. O'Hara, Rep. Peterson, Rep. Sales, Rep. Smith, Rep. Washburn, and Rep. Welborn voting aye. Rep. Miller voted by proxy.

00:04:24 **Motion:** Rep. McAlpin moved that **SJ 19 BE TABLED.**

00:04:33 **Vote:** Motion tied 9-9 by roll call vote with Rep. Barrett, Rep. Beck, Rep. Boland, Rep. Boss Ribs, Rep. Cohenour, Rep. O'Hara, Rep. Phillips, Rep. Pomnichowski, and Rep. Van Dyk voting aye. Rep. Miller voted by proxy.

**EXECUTIVE ACTION ON SB 31**

00:05:23 **Motion:** Rep. Hendrick moved that **SB 31 BE CONCURRED IN.**

00:05:35 **Motion:** Rep. Hendrick moved that **SB 31 BE AMENDED.**  
[EXHIBIT\(fih67a01\)](#)

00:07:01 **Vote:** Motion carried unanimously by voice vote. Rep. Miller voted by proxy.

00:07:21 **Motion:** Rep. Hendrick moved that **SB 31 BE CONCURRED IN AS AMENDED.**

00:08:14 **Motion:** Rep. Van Dyk moved that **SB 31 BE AMENDED.**  
**EXHIBIT (fih67a02)**

**Discussion:**

00:10:44 Rep. Miller  
00:11:01 Rep. Welborn  
00:11:27 Chairman Van Dyk  
00:12:43 Rep. Cohenour  
00:13:46 Rep. Hendrick  
00:13:58 Chairman Van Dyk  
00:14:43 Rep. Peterson

00:15:27 **Vote:** Motion tied 9-9 by roll call vote with  
Rep. Barrett, Rep. Beck, Rep. Boland, Rep. Boss Ribs,  
Rep. Cohenour, Rep. O'Hara, Rep. Phillips,  
Rep. Pomnichowski, and Rep. Van Dyk voting aye.  
Rep. Miller voted by proxy.

**Discussion:**

00:16:40 Rep. Washburn  
00:17:12 Rep. Peterson  
00:17:39 Rep. Barrett  
00:18:06 Rep. Peterson  
00:18:24 Rep. Barrett  
00:18:48 Rep. Beck  
00:19:19 Rep. Welborn

00:20:19 **Vote:** Motion tied 9-9 by roll call vote with  
Rep. Barrett, Rep. Beck, Rep. Boland, Rep. Boss Ribs,  
Rep. Cohenour, Rep. O'Hara, Rep. Phillips,  
Rep. Pomnichowski, and Rep. Van Dyk voting aye.  
Rep. Miller voted by proxy.

00:21:31 **Motion:** Rep. McAlpin moved that **SB 31 BE TABLED.**

00:21:35 **Vote:** Motion tied 9-9 by roll call vote with  
Rep. Barrett, Rep. Beck, Rep. Boland, Rep. Boss Ribs,  
Rep. Cohenour, Rep. McAlpin, Rep. Phillips,  
Rep. Pomnichowski, and Rep. Van Dyk voting aye.  
Rep. Miller voted by proxy.

**EXECUTIVE ACTION ON SB 213**

00:22:19 **Motion:** Rep. Hendrick moved that **SB 213 BE CONCURRED**  
**IN.**

00:23:11 **Motion:** Rep. Barrett moved that **SB 213 BE AMENDED.**  
**EXHIBIT**(fih67a03)

**Discussion:**

00:25:23 Rep. Peterson  
00:25:56 Rep. Cohenour  
00:26:32 Rep. Barrett

00:27:01 **Vote:** Motion tied 9-9 by roll call vote with  
Rep. Barrett, Rep. Beck, Rep. Boland, Rep. Boss Ribs,  
Rep. McAlpin, Rep. Phillips, Rep. Pomnichowski, and  
Rep. Van Dyk voting aye. Rep. Miller and Rep. Sales  
voted by proxy.

**Discussion:**

00:28:30 Rep. Phillips  
00:30:07 **Vote:** Motion tied 9-9 with Rep. Boniek,  
Rep. Hendrick, Rep. O'Hara, Rep. Peterson, Rep. Sales,  
Rep. Smith, Rep. Washburn, and Rep. Welborn voting aye.  
Rep. Miller voted by proxy.

**EXECUTIVE ACTION ON SB 32**

00:31:09 **Motion:** Rep. O'Hara moved that **SB 32 BE REMOVED FROM**  
**THE TABLE.**

00:31:22 Rep. O'Hara

**Discussion:**

00:31:40 Rep. McAlpin  
00:31:42 Rep. Hendrick  
00:32:02 Rep. Phillips  
00:33:05 Rep. McAlpin  
00:33:12 Rep. Peterson  
00:33:23 Rep. Cohenour  
00:33:29 Rep. Calf Boss Ribs  
00:33:43 Rep. Phillips  
00:34:05 Rep. Cohenour  
00:35:08 Rep. Peterson

00:35:36 **Vote:** Motion failed 7-9 by roll call vote with Rep. Boniek, Rep. Hendrick, Rep. O'Hara, Rep. Peterson, Rep. Smith, Rep. Washburn, and Rep. Welborn voting aye.

**EXECUTIVE ACTION ON SB 437**

00:37:46 **Motion:** Rep. Hendrick moved that **SB 437 BE CONCURRED IN.**

**Discussion:**

00:37:54 Rep. Cohenour

00:39:10 **Motion:** Rep. Cohenour moved that **SB 437 BE AMENDED.**  
**EXHIBIT**(fih67a04)

**Discussion:**

00:39:26 Doug Sternberg, Legislative Services Division (LSD)

00:39:44 Rep. Cohenour

00:41:04 Rep. Washburn

00:41:28 Mr. Sternberg

00:41:53 Rep. Washburn

00:41:58 Mr. Sternberg

00:42:11 Rep. Phillips

00:42:44 Rep. Cohenour

00:42:48 Rep. Phillips

00:43:04 Rep. Cohenour

00:43:44 Rep. Phillips

00:43:57 Rep. Cohenour

00:44:02 Rep. Barrett

00:44:29 Rep. Cohenour

00:44:59 Rep. Boniek

00:45:29 Rep. Cohenour

00:46:13 **Vote:** Motion tied 9-9 by roll call vote with Rep. Barrett, Rep. Beck, Rep. Boland, Rep. Boss Ribs, Rep. McAlpin, Rep. Phillips, Rep. Pomnichowski, and Rep. Van Dyk voting aye. Rep. Miller and Rep. Sales voted by proxy.

**Discussion:**

00:47:07 Rep. Washburn

00:48:53 **Motion:** Rep. McAlpin moved that **SB 437 BE AMENDED.**  
**EXHIBIT**(fih67a05)

**Discussion:**

00:49:03 Mr. Sternberg  
00:50:01 Rep. Phillips  
00:50:28 Rep. Washburn  
00:51:07 Mr. Sternberg

00:51:55 **Vote:** Motion passed 10-8 by voice vote with  
Rep. Boniek, Rep. Hendrick, Rep. Peterson, Rep. Smith,  
Rep. Washburn, and Rep. Welborn voting no.  
Rep. Miller and Rep. Sales voted by proxy.

00:52:57 **Motion:** Rep. McAlpin moved that **SB 437 BE CONCURRED  
IN AS AMENDED.**

**Discussion:**

00:53:09 Rep. Phillips  
00:54:44 Mr. Sternberg  
00:55:32 Rep. Phillips  
00:55:55 Rep. Cohenour  
00:56:51 Rep. Peterson  
00:57:51 Rep. Boniek  
00:59:05 Rep. Cohenour  
01:01:55 Rep. Welborn  
01:02:48 Rep. Phillips  
01:04:11 Rep. Peterson  
01:04:49 Rep. Cohenour

01:05:20 **Vote:** Motion tied 9-9 by roll call vote with  
Rep. Barrett, Rep. Beck, Rep. Boland, Rep. Boss Ribs,  
Rep. McAlpin, Rep. Phillips, Rep. Pomnichowski, and  
Rep. Van Dyk voting aye. Rep. Miller and Rep. Sales,  
and Rep. Welborn voted by proxy.

**HEARING ON SB 436**

**Opening Statement by Sponsor:**

01:06:55 Sen. Steven Gallus (D), SD 37, opened the hearing on  
SB 436, Nonresident outfitter-sponsored antelope  
license.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:** None

**EXECUTIVE ACTION ON SB 436**

01:07:41 **Motion:** Rep. Phillips moved that **SB 436 BE TABLED.**

01:07:46 **Vote:** Motion carried unanimously by voice vote.  
Rep. Miller and Rep. Sales voted by proxy.

**HEARING ON SB 470**

**Opening Statement by Sponsor:**

01:08:11 Sen. Steven Gallus (D), SD 37, opened the hearing on  
SB 470, Revise laws related to time limits on use of  
mountain sheep licenses.

**Proponents' Testimony:** None

**Opponents' Testimony:**

01:11:37 Jim Weatherly, Montana Wild Sheep Foundation

01:21:59 Doug Dreeszen, self

**Informational Testimony:**

01:28:40 Chris Smith, Deputy Director, Department of Fish,  
Wildlife, and Parks (FWP)

**EXHIBIT**(fih67a06)

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

01:30:39 Sen. Gallus

**HEARING ON SB 228**

**Opening Statement by Sponsor:**

01:32:26 Sen. Debby Barrett (R), SD 36, opened the hearing on SB 228, Prioritize protecting humans, livestock, and pets from predators.

**Proponents' Testimony:**

01:34:44 Aeric Reilly, Montana Wool Growers Association

01:35:23 Ariel Overstreet, Montana Stock Growers Association/  
Montana Cattle Women

01:37:20 Allen Schallenberger, self

**EXHIBIT(fih67a07)**

01:39:53 Nancy Schlepp, Montana Farm Bureau Federation

01:40:27 Cory Swanson, United Property Owners of Montana

01:41:00 Jean Johnson, Montana Outfitters and Guides Association

**Opponents' Testimony:** None

**Informational Testimony:**

01:41:54 Mr. Smith

**EXHIBIT(fih67a08)**

**Questions from Committee Members and Responses:**

01:44:28 Rep. Barrett

01:44:44 Mr. Smith

01:45:18 Rep. Barrett

01:45:29 Mr. Smith

01:45:50 Rep. Hendrick

01:46:15 Sen. Barrett

01:46:58 Rep. Washburn

01:47:31 Sen. Barrett

01:47:56 Rep. Phillips

01:48:50 Mr. Smith

**Closing by Sponsor:**

01:49:31 Sen. Barrett



**HEARING ON SB 164**

**Opening Statement by Sponsor:**

01:51:24 Sen. Debby Barrett (R), SD 36, opened the hearing on  
SB 164, Revise FWP land management and acquisition  
re: Good Neighbor Policy.

**Proponents' Testimony:**

01:55:37 Chas Van Genderen, Parks Division Administrator, FWP  
[EXHIBIT\(fih67a09\)](#)  
01:57:26 Mick Jackson, self  
02:01:58 Ms. Overstreet  
02:04:38 Mr. Swanson  
02:06:34 Ms. Schlepp  
02:08:20 Ms. Johnson  
02:10:33 Mr. Reilly

**Opponents' Testimony:**

02:11:21 Casey Perkins, Montana Audubon

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:12:49 Rep. Cohenour  
02:13:13 Sen. Barrett  
02:13:39 Rep. Cohenour  
02:14:02 Sen. Barrett  
02:15:22 Chairman Van Dyk  
[EXHIBIT\(fih67a10\)](#)  
02:15:40 Rep. Cohenour  
02:16:25 Mr. Sternberg  
02:24:42 Rep. Cohenour  
02:24:59 Sen. Barrett  
02:25:38 Rep. Cohenour  
02:25:51 Mr. Van Genderen  
02:27:49 Rep. Cohenour  
02:27:57 Mr. Van Genderen  
02:28:40 Rep. Cohenour  
02:28:44 Mr. Van Genderen  
02:28:56 Rep. Cohenour  
02:29:29 Rep. Washburn  
02:30:01 Sen. Barrett  
02:30:40 Rep. Peterson  
02:31:03 Mr. Van Genderen  
02:31:17 Rep. Hendrick

02:31:36 Ms. Perkins

**Closing by Sponsor:**

02:31:47 Sen. Barrett

**EXHIBIT**(fih67a11)

02:34:49 Break

02:49:47 Reconvene

**EXECUTIVE ACTION ON SB 164**

02:50:01 **Motion:** Rep. McAlpin moved that **SB 164 BE CONCURRED IN.**

02:50:12 **Motion:** Rep. McAlpin moved that **SB 164 BE AMENDED.**  
(Refer to Exhibit 10)

**Discussion:**

02:50:27 Rep. Pomnichowski

02:50:41 **Vote:** Motion carried unanimously by voice vote.  
Rep. Miller voted by proxy.

02:51:06 **Motion:** Rep. McAlpin moved that **SB 164 BE AMENDED.**  
(Refer to Exhibit 14)

**Discussion:**

02:52:12 Rep. Cohenour

02:52:40 **Vote:** Motion carried unanimously by voice vote.  
Rep. Miller voted by proxy.

02:52:58 **Motion:** Rep. McAlpin moved that **SB 164 BE CONCURRED IN AS AMENDED.**

**Discussion:**

02:53:08 Chairman Van Dyk

02:53:33 **Vote:** Motion carried unanimously by voice vote.  
Rep. Miller voted by proxy. Rep. Sales will carry the  
bill in the House.

**EXECUTIVE ACTION ON SB 228**

02:54:44 **Motion:** Rep. McAlpin moved that **SB 228 BE CONCURRED  
IN.**

**Discussion:**

02:54:56 Rep. Cohenour

02:55:33 Rep. Washburn

02:55:48 **Vote:** Motion passed 12-6 with Rep. Barrett,  
Rep. Boland, Rep. Boss Ribs, Rep. Cohenour,  
Rep. Pomnichowski, and Rep. Van Dyk voting no.  
Rep. Miller voted by proxy. Rep. Welborn will carry  
the bill in the House.

**EXECUTIVE ACTION ON SB 470**

02:57:06 **Motion:** Rep. McAlpin moved that **SB 470 BE CONCURRED  
IN.**

**Discussion:**

02:57:15 Rep. Washburn

02:57:49 Rep. Cohenour

02:58:33 Rep. McAlpin

02:58:47 Rep. Boniek

02:59:41 Chairman Van Dyk

03:00:38 **Vote:** Motion failed 4-14 with Rep. Boland,  
Rep. Cohenour, Rep. Van Dyk, and Rep. Welborn voting  
aye. Rep. Miller voted by proxy.

03:01:40 **Motion:** Rep. McAlpin moved that **SB 470 BE TABLED.**

03:01:45 **Vote:** Motion carried unanimously by voice vote.  
Rep. Miller voted by proxy.

**ADJOURNMENT**

Adjournment: 5:03 P.M.

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Bryce Bennett, Secretary

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**Additional Exhibits:**

"Weed Management at State Parks and Fishing Access Sites" Booklet

**[EXHIBIT\(fih67a12\)](#)**

George Golie, Montana Wildlife Federation

**[EXHIBIT\(fih67a13\)](#)**

Amendement SB016401.ads

**[EXHIBIT\(fih67a14\)](#)**

Additional Documents:

**[EXHIBIT\(fih67aad.pdf\)](#)**